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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,579	11/16/2001	Terrence Wolf	QUS 0101 PUS	8248

7590 09/05/2003

William G. Abbatt
Brooks & Kushman P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1351

EXAMINER

NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/992,579

Applicant(s)

WOLF ET AL.

Examiner

Kimberly D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-9 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

Group I: Claims 1-3, drawn to a method for determining the price of a product or service under consideration by a purchaser from a vendor, etc., classified in class 235, subclass 383.

Group II: Claims 4-5, drawn to a method of using personal pricing device to generate revenues to a manufacturer and a vendor, such as paying a subscription and/or share a commission, etc., classified in class 235, subclass 375.

Group III: Claims 6-9, drawn to a hand-held personal pricing device, which comprises a grip portion, a head portion, means for scanning, means for display, etc., classified in class 235, subclass 462.45.

2. The inventions are distinct, each from the other because of the following reasons:

3. Inventions of Group I and Group II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of Group I has separate method for determining the price of the product or service by a purchaser from a vendor without the specific need for a method of using a personal pricing device to generate revenues to a manufacturer and a vendor. See MPEP 806.05(d).

Furthermore, Group II has separate steps such as it can be used in a method to generate revenues to a manufacturer and a vendor without the specific need for the method of determining the price of a product or service by a purchaser from a vendor.

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7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-file petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(h).

8. A telephone call was made to Mr. William Abbatt on 18 August 2003 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 703-305-1798. The examiner can normally be reached on Monday-Friday 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-8792.


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KDN

August 18, 2003



MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800



A DOCPHOENIX

APPL PARTS

_____	IMIS	_____
Internal Misc. Paper		
_____	LET.	_____
Misc. Incoming Letter		
_____	371P	_____
PCT Papers in a 371 Application		
_____	A...	_____
Amendment Including Elections		
_____	ABST	_____
Abstract		
_____	ADS	_____
Application Data Sheet		
_____	AF/D	_____
Affidavit or Exhibit Received		
_____	APPENDIX	_____
Appendix		
_____	ARTIFACT	_____
Artifact		
_____	BIB	_____
Bib Data Sheet		
_____	CLM	_____
Claim		
_____	COMPUTER	_____
Computer Program Listing		
_____	CRFL	_____
All CRF Papers for Backfile		
_____	DIST	_____
Terminal Disclaimer Filed		
_____	DRW	_____
Drawings		
_____	FOR	_____
Foreign Reference		
_____	FRPR	_____
Foreign Priority Papers		
_____	IDS	_____
IDS Including 1449		

_____	NPL	_____
Non-Patent Literature		
_____	OATH	_____
Oath or Declaration		
_____	PET.	_____
Petition		
_____	RETMAIL	_____
Mail Returned by USPS		
_____	SEQLIST	_____
Sequence Listing		
_____	SPEC	_____
Specification		
_____	SPEC NO	_____
Specification Not in English		
_____	TRNA	_____
Transmittal New Application		

_____	CTNF	_____
Count Non-Final		
_____	CTRS	_____
Count Restriction		
_____	EXIN	_____
Examiner Interview		
_____	M903	_____
DO/EO Acceptance		
_____	M905	_____
DO/EO Missing Requirement		
_____	NFDR	_____
Formal Drawing Required		
_____	NOA	_____
Notice of Allowance		
_____	PETDEC	_____
Petition Decision		

OUTGOING

_____	CTMS	_____
Misc. Office Action		
_____	1449	_____
Signed 1449		
_____	892	_____
892		
_____	ABN	_____
Abandonment		
_____	APDEC	_____
Board of Appeals Decision		
_____	APEA	_____
Examiner Answer		
_____	CTAV	_____
Count Advisory Action		
_____	CTEQ	_____
Count Ex parte Quayle		
_____	CTFR	_____
Count Final Rejection		

INCOMING

_____	AP.B	_____
Appeal Brief		
_____	C.AD	_____
Change of Address		
_____	N/AP	_____
Notice of Appeal		
_____	PA..	_____
Change in Power of Attorney		
_____	REM	_____
Applicant Remarks in Amendment		
_____	XT/	_____
Extension of Time filed separate		

Internal

_____	SRNT	_____
Examiner Search Notes		
_____	CLMPTO	_____
PTO Prepared Complete Claim Set		

_____	ECBOX	_____
Evidence Copy Box Identification		
_____	WCLM	_____
Claim Worksheet		
_____	WFEE	_____
Fee Worksheet		

File Wrapper

_____	FWCLM	_____
File Wrapper Claim		
_____	IIFW	_____
File Wrapper Issue Information		
_____	SRFW	_____
File Wrapper Search Info		